

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANGELITA GOMEZ, ) Case No. 08-3337 SC  
Plaintiff, )  
v. ) ORDER RE: PROPOSED CY PRES  
PEROT SYSTEMS CORPORATION, a ) SETTLEMENT DISTRIBUTION  
Delaware Corporation; and DOES 1 )  
to 50, inclusive, )  
Defendants. )  
\_\_\_\_\_  
)

On June 15, 2011, the parties filed a stipulation in which they sought an order distributing the residue of the settlement fund to cy pres beneficiaries San Francisco Legal Aid Society and Arriba Juntos. ECF No. 68. The parties alleged that 1,301 settlement award checks totaling \$2,103,289.26 had been mailed to class members, and that all but 72 of the checks had been cashed, leaving an expected residue of \$114,631.63. Id. The parties also alleged that \$23,207.27 of the residue is not immediately available, and will only be available "within the next 18 months from the return of employee- and employer-paid taxes already paid to the taxing authorities." Id. The Court deferred ruling on the stipulation until the parties provided the Court with an estimate of the effect of administration costs on a secondary distribution.

1 ECF No. 69. In response, Plaintiff filed the declaration of Stacy  
2 Roe ("Roe"), senior project administrator for Rust Consulting, Inc.  
3 ("Rust"), the settlement administrator. ECF No. 70. Roe estimates  
4 the cost of administering a second distribution to be \$19,782, and  
5 that a second distribution based on a pro-rated share of the  
6 Settlement Fund would yield gross payments to class members ranging  
7 from \$13.27 to \$1,551.88. Id. ¶¶ 6, 10.

8 In light of the information provided in the Roe Declaration,  
9 the Court ORDERS as follows. The Settlement Administrator shall  
10 perform an immediate second distribution of the current residue in  
11 the Settlement Fund to class, with the distributions to each class  
12 member pro-rated in the same manner as the first distribution.  
13 Rust shall not exceed its estimated \$19,782 in administration costs  
14 without approval of the Court. As with the first distribution,  
15 settlement checks shall be valid for 120 days. On January 22,  
16 2012, the parties shall file a declaration updating the Court as to  
17 whether the expected \$23,207.27 has been returned from the taxing  
18 authorities and whether there is any additional residue due to  
19 uncashed second-distribution checks. The parties shall make a  
20 recommendation to the Court as to whether a third distribution to  
21 the class should be conducted or whether the residue should be  
22 distributed to cy pres beneficiaries San Francisco Legal Aid  
23 Society and Arriba Juntos.

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IT IS SO ORDERED.

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Dated: July 22, 2011

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UNITED STATES DISTRICT JUDGE